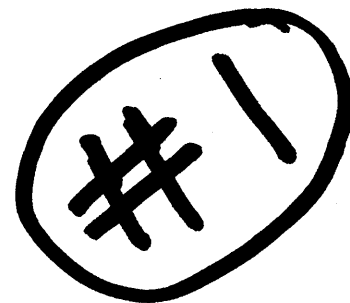




State of Wisconsin

LEGISLATIVE REFERENCE BUREAU



RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 03/10/2004 (Per: MGD)



☞ The 2003 drafting file for LRB 03s0459/1

has been copied/added to the 2003 drafting file for

LRB 03s0463

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

2003 DRAFTING REQUEST**Assembly Substitute Amendment (ASA-AB90)**

Received: 03/09/2004

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Leon Young (608) 266-3786

By/Representing: Greg

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters: phurley

Subject: Criminal Law - law enforcement
Transportation - traffic laws

Extra Copies:

Submit via email: YES

Requester's email: Rep.Youngl@legis.state.wi.us

Carbon copy (CC:) to: greg.stewart@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Primary enforcement of seat belt laws

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 03/09/2004	kfollett 03/09/2004					
/1			pgreensl 03/09/2004		lemery 03/09/2004	lemery 03/09/2004	

03/09/2004 05:45:49 PM

Page 2

LRBs0459

FE Sent For:

<END>

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB90)

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sunset date

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	mdsida	11KJ 3/9	3/9 P8	3/9 P8			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION
(608-266-3561)

7/28/11
8/2/11

Chuck

Plc from Rep. Young
Sub n Sample

Reg. Admin Don McNamee

708/503-8892
x 13

E.D - contingent on availability of funding

Chuck Hutley

~~Sun~~ Sunset Date - DOT study of racial profiling

\$15,

fed 5 x \$3402 grant to WI
Community Grants to

Randy Romansky
6-1114

pattern of profiling

815/378/6202

9 months

John Cullerton

6 months

312/ 399-4770

Sunset

Michigan

**National Safety Council®**

A Membership Organization Dedicated to Protecting Life and Promoting Health

FACSIMILE

608-282-3666

DATE:

3-9-04

TO:

Mike Brazzale

FAX #:

To Rep Spring

FROM:

JACKIE BEATTY, CAMPAIGN SERVICE COORDINATOR

PHONE: (202) 293-2270 EXT. 492

FACSIMILE: (202) 822-1399

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET) _____

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Reply to: WASHINGTON D.C. • 1025 Connecticut Ave. N.W., Suite 1200 • Washington, D.C. 20036-5405 • (202) 293-2270 • FAX (202) 293-0032

HEADQUARTERS1121 Spring Lake Drive • Itasca, IL 60143-3201
(630) 285-1121 • FAX (630) 285-1315 • <http://www.nsc.org>90th Annual
Congress &
ExpoOctober 4-11, 2002
Expo: October 7-9, 2002
San Diego, California

For profiling concerns:**INDIANA (ADAPTED)**

* A vehicle may be stopped to determine compliance with this chapter. However, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected or searched solely because of a violation of this chapter.

STATE - *Mich.*

I. Every law enforcement agency shall conduct an investigation of all complaints of police harassment that result from the enforcement of this section by officers of that law enforcement agency. Every law enforcement agency shall provide the Bureau of Transportation Safety with the number of such reports filed annually. The Bureau of Transportation Safety shall compile all reports annually and make such summary available to the public.

MICHIGAN

* 12) It is the intent of the legislature that the enforcement of this section be conducted in a manner calculated to save lives and not in a manner that results in the harassment of the citizens of this state.

Sec. of Trans.
 (9) The secretary of state shall engage an independent organization to conduct a 2-year study to determine the effect that the primary enforcement of this section has on the number of incidents of police harassment of drivers. The organization that conducts the study shall submit a report to the legislature not later than June 30, 2001 and an annual report not later than June 30 each year thereafter.

(FYI - THIS WAS A VERY EXPENSIVE REQUIREMENT TO FULFIULL)

Georgia

* Noncompliance with the restraint requirements of this Code section shall not constitute probable cause for violation of any other Code section.

ILLINOIS TRAFFIC STOP STATISTICAL STUDY

(625 ILCS 5/11-212)

Sec. 11-212. << Traffic stop >> statistical study.

(a) From January 1, 2004 until December 31, 2007, whenever a State or local law enforcement officer issues a uniform << traffic >> citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall record at least the following:

(1) the name, address, gender, and the officer's subjective determination of the << race>> of the person << stopped>>; the person's << race>> shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander; (2) the alleged << traffic>> violation that led to the << stop>> of the motorist; (3) the make and year of the vehicle << stopped>>; (4) the date and time of the << stop>>; (5) the location of the << traffic stop>>; (6) whether or not a search contemporaneous to the << stop>> was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means; and (7) the name and badge number of the issuing officer.

(b) From January 1, 2004 until December 31, 2007, whenever a State or local law enforcement officer << stops>> a motorist for an alleged violation of the Illinois Vehicle Code and does not issue a uniform << traffic>> citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall complete a uniform << stop>> card, which includes field contact cards, or any other existing form currently used by law enforcement containing information required pursuant to this Act, that records at least the following:

(1) the name, address, gender, and the officer's subjective determination of the << race>> of the person << stopped>>; the person's << race>> shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander; (2) the reason that led to the << stop>> of the motorist; (3) the make and year of the vehicle << stopped>>; (4) the date and time of the << stop>>; (5) the location of the << traffic stop>>; (6) whether or not a search contemporaneous to the << stop>> was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means; and (7) the name and badge number of the issuing officer.

(c) The Illinois Department of Transportation shall provide a standardized law enforcement data compilation form on its website.

(d) Every law enforcement agency shall, by March 1 in each of the years 2004, 2005, 2006, and 2007, compile the data described in subsections (a) and (b) on the standardized law enforcement data compilation form provided by the Illinois Department of Transportation and transmit the data to the Department.

(e) The Illinois Department of Transportation shall analyze the data provided by law enforcement agencies required by this Section and submit a report of the findings to the Governor, the General Assembly, and each law enforcement agency no later than July 1 in each of the years 2005, 2006, 2007, and 2008. The Illinois Department of Transportation may contract with an outside entity for the analysis of the data provided. In analyzing the data collected under this Section, the analyzing entity shall scrutinize the data for evidence of statistically significant aberrations. The following list, which is illustrative, and not exclusive, contains examples of areas in which statistically significant aberrations may be found:

(1) The percentage of minority drivers or passengers being << stopped>> in a given area is substantially higher than the proportion of the overall population in or traveling through the area that the minority constitutes. (2) A substantial number of false << stops>> including << stops>> not resulting in the issuance of a << traffic>> ticket or the making of an arrest. (3) A disparity between the proportion of citations issued to minorities and proportion of minorities in the population. (4) A disparity among the officers of the same law enforcement agency with regard to the number of minority drivers or passengers being << stopped>> in a given area. (5) A disparity between the frequency of searches performed on minority drivers and the frequency of searches performed on non-minority drivers. (f) Any law enforcement officer identification information or driver identification information that is compiled by any law enforcement agency or the Illinois Department of Transportation pursuant to this Act for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section. This Section shall not exempt those materials that, prior to the effective date of this amendatory Act of

the 93rd General Assembly, were available under the Freedom of Information Act.

(g) Funding to implement this Section shall come from federal highway safety funds available to Illinois, as directed by the Governor.

(h) The Illinois Department of Transportation, in consultation with law enforcement agencies, officials, and organizations, including Illinois chiefs of << police >>, the Department of State << Police >>, the Illinois Sheriffs Association, and the Chicago << Police >> Department, and community groups and other experts, shall undertake a study to determine the best use of technology to collect, compile, and analyze the << traffic stop >> statistical study data required by this Section. The Department shall report its findings and recommendations to the Governor and the General Assembly by March 1, 2004.

(Source: P.A. 93-209, eff. 7-18-03.)

2003 - 2004 LEGISLATURE

0459/1
LRBs 0382/2

MGD:jld:ch
y
x
8 Kf

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 90

NOW

Recn

1 AN ACT to amend 347.48 (2m) (e), 347.48 (2m) (gm) and 347.50 (2m) (a); and to
2 create 165.842 and 165.85 (4) (b) 1d. f. of the statutes; relating to:
3 enforcement of motor vehicle safety belt violations, collection of data
4 concerning motor vehicle stops, law enforcement training standards, granting
5 rule-making authority, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 165.842 of the statutes is created to read:
7 165.842 Motor vehicle stops; collection and analysis of information;
8 annual report. (1) DEFINITIONS. In this section:
9 (a) "Department" means the department of justice.
10 (b) "Law enforcement agency" has the meaning given in s. 165.77 (1) (b).
11 (c) "Law enforcement officer" means a person who is employed by a law
12 enforcement agency for the purpose of detecting and preventing crime and enforcing

INS 2/3

1 laws or ordinances and who is authorized to make arrests for violations of the laws
2 or ordinances that the person is employed to enforce, whether that enforcement
3 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

4 (d) "Motor vehicle stop" means the stop or detention of a motor vehicle that is
5 traveling in any public or private place, or the detention of an occupied motor vehicle
6 that is already stopped in any public or private place, for the purpose of ^{an} investigating
7 any alleged or suspected violation of a state or federal law or city, village, town, or
8 county ordinance.

Move
to P. 5

9 (2) INFORMATION COLLECTION REQUIRED. All persons in charge of law
10 enforcement agencies shall obtain, or cause to be obtained, all of the following
11 information with respect to each motor vehicle stop made on or after January 1, 2005,
12 by a law enforcement officer employed by the law enforcement agency:

INS

13 (a) The name, address, gender, and race of the operator of the motor vehicle.

2/8

14 The officer shall subjectively select the operator's race from the following list:

- 15 1. Caucasian.
- 16 2. African American.
- 17 3. Hispanic.
- 18 4. American Indian or Alaska Native.
- 19 5. Asian or Pacific Islander.

20 (b) The reason that the officer stopped or detained the motor vehicle.

21 (c) The make and year of the motor vehicle.

22 (d) The date, time, and location of the motor vehicle stop.

23 (e) Whether or not a law enforcement officer conducted a search of the motor
24 vehicle, the operator, or any passenger and, if so, whether the search was with
25 consent or by other means.

by a law enforcement
officer of

1 (f) The name, address, gender, and race of any person searched, with the officer
2 subjectively selecting the person's race from the list under par. (a).

3 (g) The name and badge number of the officer making the motor vehicle stop.

4 (3) SUBMISSION OF INFORMATION COLLECTED. The person in charge of a law
5 enforcement agency shall forward the information obtained under sub. (2) to the
6 department using the form prescribed by the rules promulgated under sub. (5) and
7 in accordance with the reporting schedule established under the rules promulgated
8 under sub. (5).

9 (4) ANALYSIS AND REPORT BY DEPARTMENT (a) The department shall compile the
10 information submitted to it by law enforcement agencies under sub. (3) and shall
11 analyze the information, along with any other relevant information, to determine,
12 both for the state as a whole and for each law enforcement agency, all of the following:

13 1. Whether the number of motor vehicle stops and searches involving motor
14 vehicles operated or occupied by members of a racial minority compared to the
15 number of motor vehicle stops and searches involving motor vehicles operated or
16 occupied solely by persons who are not members of a racial minority is
17 disproportionate based on an estimate of the population and characteristics of all
18 persons traveling on state highways, on an estimate of the populations and
19 characteristics of persons traveling on state highways who are violating a law or
20 ordinance, or on some other relevant population estimate.

21 2. A determination as to whether any disproportion found under subd. 1. is the
22 result of racial profiling, racial stereotyping, or other race-based discrimination or
23 selective enforcement.

24 (b) For each year, the department shall prepare an annual report that
25 summarizes the information submitted to it by law enforcement agencies concerning

1 motor vehicle stops made during the year and that describes the methods and
2 conclusions of its analysis of the information. On or before March 31, 2006, and on
3 or before each March 31 thereafter, the department shall submit the annual report
4 required under this paragraph to the legislature under s. 13.172 (2), to the governor,
5 and to the director of state courts.

6 (5) RULES. The department shall promulgate rules to implement the
7 requirements of this section, including rules prescribing a form for use in obtaining
8 information under sub. (2) and establishing a schedule for forwarding the
9 information obtained to the department. The department shall make the form
10 prescribed by its rules available to law enforcement agencies. The department may,
11 by rule, require the collection of information in addition to that specified in sub. (2)
12 (a) to (g) if the department determines that the information will help to make the
13 determinations required under sub. (4) (a).

14 (6) ACCESS TO RECORDS. Information collected under sub. (2) is not subject to
15 inspection or copying under s. 19.35 (1).

16 SECTION 2. 165.85 (4) (b) 1d. f. of the statutes is created to read:

17 165.85 (4) (b) 1d. f. Training concerning cultural diversity, including sensitivity
18 toward racial and ethnic differences. The training shall be designed to prevent the
19 use of race, racial profiling, racial stereotyping, or other race-based discrimination
20 or selection as a basis for detaining, searching, or arresting a person or for otherwise
21 treating a person differently from persons of other races and shall emphasize the fact
22 that the primary purposes of enforcement of traffic regulations are safety and equal
23 and uniform enforcement under the law.

24 SECTION 3. 347.48 (2m) (e) of the statutes is amended to read:

1 347.48 (2m) (e) Paragraph (b) does not apply to a person who qualifies for
2 registration plates of a special design under s. 341.14 (1), (1a), (1m), or (1q) or for a
3 special identification card under s. 343.51. The department shall, by rule, exempt
4 from the requirements under pars. ~~(b) to (c)~~ and (d) persons who, because of a
5 physical or medical condition, cannot be properly restrained in a safety belt.

6 **SECTION 4.** 347.48 (2m) (gm) of the statutes is amended to read:

7 347.48 (2m) (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
8 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~
9 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
10 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
11 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
12 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
13 ~~observed in the course of a stop or inspection made for other purposes, except that~~
14 ~~a~~ A law enforcement officer may not take a person into physical custody solely for
15 a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with
16 this subsection, sub. (1) or (2) or rules of the department.

17 **SECTION 5.** 347.50 (2m) (a) of the statutes is amended to read:

18 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
19 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10
20 \$25 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any
21 later offense committed within 3 years.

22 **SECTION 6. Initial applicability.**

23 (1) The treatment of section 347.50 (2m) (a) of the statutes first applies to
24 violations committed on the effective date of this subsection, but does not preclude
25 the counting of other violations as prior violations for sentencing a person.

1 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
2 except as follows:

3 (1) The treatment ^{amendment} of sections 347.48 (2m) (e) and (gm) and 347.50 (2m) (a) of
4 the statutes and SECTION 6 (1) ^{As Am.} of this act take effect on the first day of the 7th month
5 beginning after publication.

6

(END)

Insert 6/5

Title XXIII

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0459/1
MGD:.....

INSERT 2/3

SECTION 1 Nonstatutory provisions.

(1) (a) In this subsection,

INSERT 2/8

(b) The department of transportation shall contract with an independent organization to determine the frequency with which motor vehicle stops or searches of motor vehicles occur as a result of racial profiling, racial stereotyping, or other race-based discrimination or selective enforcement. The contract shall require the independent organization to submit a detailed report regarding the results of its study to the department.

(c) No later than the first day of the 25th month beginning after the effective date of this subsection, the department of transportation shall submit a copy of the report prepared under paragraph (b) to the legislature and the governor.

(d) The department may promulgate rules to implement this subsection.

INSERT 5/5

SECTION 2 347.48 (2m) (e) of the statutes is repealed and recreated to read:

347.48 (2m) (e) The department shall, by rule, exempt from the requirements under pars. (b) to (d) persons who, because of a physical or medical condition, cannot be properly restrained in a safety belt.

Cross Reference: Cross Reference: Cross Reference: See also ch. Trans 315, Wis. adm. code. Cross Reference:
History: 1975 c. 337; 1977 c. 29 s. 1654 (7) (a); 1981 c. 327; 1983 a. 285; 1987 a. 132 ss. 3 to 6, 11; 1987 a. 399; 1989 a. 22; 1991 a. 26, 39, 198, 269; 1997 a. 190.

INSERT 5/14

or inspect or search a motor vehicle, the contents of a motor vehicle, or an operator of or passenger in a motor vehicle

INSERT 5/16

1 SECTION ~~3~~ 347.48 (2m) (gm) of the statutes is repealed and recreated to read:
2 347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may not
3 stop or inspect a vehicle solely to determine compliance with this subsection or sub.
4 (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules
5 of the department. This paragraph does not limit the authority of a law enforcement
6 officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local
7 ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department
8 observed in the course of a stop or inspection made for other purposes, except that
9 a law enforcement officer may not take a person into physical custody solely for a
10 violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with
11 this subsection, sub. (1) or (2) or rules of the department.

History: 1975 c. 337; 1977 c. 29 s. 1654 (7) (a); 1981 c. 327; 1983 a. 285; 1987 a. 132 ss. 3 to 6, 11; 1987 a. 399; 1989 a. 22; 1991 a. 26, 39, 198, 269; 1997 a. 190.

12 **INSERT 5/21**

13 SECTION ~~4~~ 347.50 (2m) (a) of the statutes is repealed and recreated to read:
14 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
15 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10.

History: 1971 c. 278; 1975 c. 121; 1981 c. 327; 1983 a. 243; 1985 a. 309; 1987 a. 132; 1989 a. 22; 1991 a. 26, 277; 2001 a. 28.

16 **INSERT 6/5**

17 (2) The repeal and recreation of sections 347.48 (2m) (e) and (gm) and 347.50
18 (2m) (a) of the statutes take effect on the first day of the 25th month beginning after
19 publication, but only if one of the following applies:

20 (a) The department of transportation does not receive from the federal
21 government an amount equal to five times the amount of its grant under the
22 community grants to states program for the purposes of enforcing this act by the first
23 day of the 25th month beginning after publication.

*primary enforcement
of safety belt laws*

- 1 (b) The study submitted to the legislature and the governor under SECTION #
- 2 ~~AUTOREF TO NONSTAT~~ of this act indicates that motor vehicle stops or searches
- 3 of motor vehicles occur as a result of racial profiling, racial stereotyping, or other
- 4 race-based discrimination or selective enforcement with significant frequency.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0459/1
MGD:jld&kf:pg

ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2003 ASSEMBLY BILL 90

1 **AN ACT** *to amend* 347.48 (2m) (e), 347.48 (2m) (gm) and 347.50 (2m) (a); and *to*
2 *repeal and recreate* 347.48 (2m) (e), 347.48 (2m) (gm) and 347.50 (2m) (a) of
3 the statutes; **relating to:** enforcement of motor vehicle safety belt violations,
4 granting rule-making authority, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 347.48 (2m) (e) of the statutes is repealed and recreated to read:
6 347.48 (2m) (e) The department shall, by rule, exempt from the requirements
7 under pars. (b) to (d) persons who, because of a physical or medical condition, cannot
8 be properly restrained in a safety belt.

9 **SECTION 2.** 347.48 (2m) (e) of the statutes is amended to read:
10 347.48 (2m) (e) Paragraph (b) does not apply to a person who qualifies for
11 registration plates of a special design under s. 341.14 (1), (1a), (1m), or (1q) or for a

1 special identification card under s. 343.51. The department shall, by rule, exempt
2 from the requirements under pars. (b) ~~to~~ (c) and (d) persons who, because of a
3 physical or medical condition, cannot be properly restrained in a safety belt.

4 **SECTION 3.** 347.48 (2m) (gm) of the statutes is repealed and recreated to read:

5 347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may not
6 stop or inspect a vehicle solely to determine compliance with this subsection or sub.
7 (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules
8 of the department. This paragraph does not limit the authority of a law enforcement
9 officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local
10 ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department
11 observed in the course of a stop or inspection made for other purposes, except that
12 a law enforcement officer may not take a person into physical custody solely for a
13 violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with
14 this subsection, sub. (1) or (2) or rules of the department.

15 **SECTION 4.** 347.48 (2m) (gm) of the statutes is amended to read:

16 347.48 (2m) (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
17 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~
18 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
19 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
20 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
21 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
22 ~~observed in the course of a stop or inspection made for other purposes, except that~~
23 ~~a~~ A law enforcement officer may not take a person into physical custody solely or
24 inspect or search a motor vehicle, the contents of a motor vehicle, or an operator of
25 or passenger in a motor vehicle for a violation of this subsection or sub. (1) or (2) or

1 a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the
2 department.

3 **SECTION 5.** 347.50 (2m) (a) of the statutes is repealed and recreated to read:

4 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
5 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10.

6 **SECTION 6.** 347.50 (2m) (a) of the statutes is amended to read:

7 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
8 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10
9 \$25 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any
10 later offense committed within 3 years.

11 **SECTION 7. Nonstatutory provisions.**

12 (1) (a) In this subsection, "motor vehicle stop" means the stop or detention of
13 a motor vehicle that is traveling in any public or private place, or the detention of an
14 occupied motor vehicle that is already stopped in any public or private place, for the
15 purpose of an investigation by a law enforcement officer of any alleged or suspected
16 violation of a state or federal law or city, village, town, or county ordinance.

17 (b) The department of transportation shall contract with an independent
18 organization to determine the frequency with which motor vehicle stops or searches
19 of motor vehicles occur as a result of racial profiling, racial stereotyping, or other
20 race-based discrimination or selective enforcement. The contract shall require the
21 independent organization to submit a detailed report regarding the results of its
22 study to the department.

23 (c) No later than the first day of the 25th month beginning after the effective
24 date of this subsection, the department of transportation shall submit a copy of the
25 report prepared under paragraph (b) to the legislature and the governor.

1 (d) The department may promulgate rules to implement this subsection.

2 **SECTION 8. Initial applicability.**

3 (1) The amendment of section 347.50 (2m) (a) of the statutes first applies to
4 violations committed on the effective date of this subsection, but does not preclude
5 the counting of other violations as prior violations for sentencing a person.

6 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
7 except as follows:

8 (1) The amendment of sections 347.48 (2m) (e) and (gm) and 347.50 (2m) (a) of
9 the statutes and SECTION 8 (1) of this act take effect on the first day of the 7th month
10 beginning after publication.

11 (2) The repeal and recreation of sections 347.48 (2m) (e) and (gm) and 347.50
12 (2m) (a) of the statutes take effect on the first day of the 25th month beginning after
13 publication, but only if one of the following applies:

14 (a) The department of transportation does not receive from the federal
15 government an amount equal to five times the amount of its grant under the
16 community grants to states program for the purposes of primary enforcement of
17 safety belt laws by the first day of the 25th month beginning after publication.

18 (b) The study submitted to the legislature and the governor under SECTION 7
19 (1) of this act indicates that motor vehicle stops or searches of motor vehicles occur
20 as a result of racial profiling, racial stereotyping, or other race-based discrimination
21 or selective enforcement with significant frequency.

22

(END)